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10/743,929	12/22/2003	Michael K. Saltz	30014200-2028	9010

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EXAMINER
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PARTHASARATHY, PRAMILA

ART UNIT	PAPER NUMBER
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2136

MAIL DATE	DELIVERY MODE
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11/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/743,929

Applicant(s)

SALTZ, MICHAEL K.

Examiner

Pramila Parthasarathy

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This action is in response to the communication 10/09/2007. Claims 1 – 22 are currently pending.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 – 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Re Claims 1, 9, 16 and 23: The phrase “first application's proprietary identifier extension” and “second application's proprietary identifier extension” are not described in the application as filed originally, that is, the first firewall control block comparing said first application's proprietary identifier extension to said second application's proprietary identifier extension, was not described.

The Examiner will interpret the claim without aforementioned limitation until clarified/corrected.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 9, 16 and 23 recite the limitation "said first application's proprietary identifier extension" and "said second application's proprietary identifier extension". There is insufficient antecedent basis for this limitation in the claim. These Claims recite "an application identifier data having a resource identifier and a proprietary identifier extension". Examiner requests amending these and all the dependent claims to clarify newly introduced limitations.

#### ***Response to Arguments***

4. Applicant's arguments filed 10/9/2007 have been fully considered but they are not persuasive. Regarding the argument against the obvious-type double patenting, Examiner respectfully submits that "first firewall control block defines access privileges of said first application with respect to said second application, and further defies the access privileges of said second application with respect to said first application" is referred in the patent claims as "receiving the computer program, by a firewall .. determining whether the computer program contains an indication that it conforms to the platform standard" and furthermore, instant claims "Java TM compliant computing environment" in the patent described as "a Java platform standard for the programming language" and "check conformance flag indicates that the execution environment is to verify conformance of computer program to the platform standard". Therefore, the main, and arguably only, difference is the structure used

to make determination about compliance, while the patent is more specific to the structure of "Java platform standard", the instant application claims merely consists of a substitution of what is used to make that determination. Please also refer to 35 USC 112 rejections above. Applicant's arguments are not persuasive.

Regarding Applicant's argument against the Montgomery et al. reference, Examiner respectfully submits that the prior art reference is capable of performing as claimed, therefore it anticipates the claim. Examiner would also respectfully directs Applicant's attention to 35 USC 112 rejections above and requests amending claims to clearly identify limitations that would be patentably different from cited prior arts, Examiner will further consider such amendments when filed formally.

Applicant argues that Montgomery fails to disclose or suggest Applicant's claimed subject matter (newly amended limitations which are not considered as filed), "comparing either proprietary identifier extensions or both proprietary identifier extensions and resource identifiers based on a firewall indicator value". However, Applicant agrees that Montgomery teaches various values such as application identifiers used to allow access through a firewall. Montgomery associates security policy verifying control access (of first application) to the shared methods the server applications (second application) for performing comparison through application identifier, meaning firewall prevents client applications accessing without positive verification of application identifiers". What additional methods used in Montgomery is irrelevant, since Montgomery

already teaches associating application identifiers to perform verification and access control to other applications or object methods in the server. (Please see Summary and Column 3 line 28 – Column 5 line 52). Applicant's arguments are not persuasive.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 – 22 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 46 of U.S. Patent No. 6,418,444. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1 – 22 correspond to the claims of 1 – 46 of the patent claims, except in the instant claims the elements “a first application”, “a second application” and

“first firewall control block”, are referred in the patent claims as “computer program” and “a firewall”.

It would have been obvious to one having ordinary skill in the art to recognize that “a first application and a second application” are equivalent to “computer program” and “first firewall control block” is equivalent to “a firewall. Claims of the instant application are anticipated by patent claims in that the patent claims contains all the limitations of the instant application. Claims of the instant application therefore is not patentably distinct from the earlier patent claims and as such are unpatentable for obvious-type double patenting (*In re Goodman (CAFC) 29 USPQ2d 2010 (12/3/1993)*).

Claims 1 – 22 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 69 of U.S. Patent No. 6,742,006. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1 – 22 correspond to the claims of 1 – 69 of the patent claims, except in the instant claims the elements “a first application”, “a second application” and “first firewall control block”, are referred in the patent claims as “computer program” and “a firewall”.

It would have been obvious to one having ordinary skill in the art to recognize that “a first application and a second application” are equivalent to “computer program” and “first firewall control block” is equivalent to “a firewall. Claims of the instant application are anticipated by patent claims in that the

patent claims contains all the limitations of the instant application. Claims of the instant application therefore is not patentably distinct from the earlier patent claims and as such are unpatentable for obvious-type double patenting (*In re Goodman (CAFC) 29 USPQ2d 2010 (12/3/1993)*).

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1 – 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Montgomery et al. (U.S. Patent Number 7,127,605).

As per Claims 1 and 9, Montgomery teaches “an operating system; a Java™ compliant virtual machine operating on said operating system; a first Java™ compliant applet operating on said Java™ compliant virtual machine; a Java™ compliant applet operating on said virtual machine Java™ compliant virtual machine; and a first firewall control block, wherein said first firewall control block defines access privileges of said first Java™ compliant applet with respect to at least one other Java™ compliant applet operating on said Java™ compliant virtual machine, and further defines the access privileges of said at least one other Java™ compliant applet Java™ compliant applet with respect to said first Java™ compliant applet” (Column 3 lines 28 – 42).



As per Claims 16 and 22, Montgomery teaches "receiving a request from a first Java<sup>TM</sup> compliant applet operating on Java<sup>TM</sup> virtual machine to access a second Java<sup>TM</sup> compliant applet; reading a firewall control block associated with said second Java<sup>TM</sup> compliant applet; determining, based on said firewall control block, whether said first Java<sup>TM</sup> compliant applet should be allowed to access said second Java<sup>TM</sup> compliant applet; and allowing said first Java<sup>TM</sup> compliant applet to access said second Java<sup>TM</sup> compliant applet when said determining determines that access should be allowed" (Column 3 lines 28 – 42).

As per Claim 2, Montgomery teaches "a second firewall control block, wherein said second firewall control block defines access privileges of said second application with respect to said first application, and further defines the access privileges of said first application with respect to said first application" (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

As per Claim 3, Montgomery teaches "wherein said first firewall control block defines access privileges of said first application with respect to any other application in said computing environment, and further defines the access privileges of said any other application with respect to said first application" (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

As per Claims 4 and 11, Montgomery teaches "wherein said first firewall control block includes a firewall control value and a firewall control indicator" (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

As per Claims 5 and 12, Montgomery teaches “wherein said firewall control value is a access privileges control value represented by one or more bytes, and wherein said firewall control value is an indicator value represented by one or more bytes that indicate how the firewall control value should be interpreted with respect to access privileges of other applications” (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

As per Claims 6 and 13, Montgomery teaches “wherein said first firewall control block includes a PID” (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

As per Claims 7 and 14, Montgomery teaches “wherein said computing environment is a Java<sup>TM</sup> compliant computing environment, and wherein said first and second applications are Java<sup>TM</sup> compliant applets, wherein said first firewall control block includes an AID” (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

As per Claim 8, Montgomery teaches “wherein said computing environment is a Java<sup>TM</sup> card compliant computing environment, and, wherein said first firewall control block is implemented as in the run rime environment” (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

As per Claim 10, Montgomery teaches “wherein said mobile device is a Java<sup>TM</sup> compliant smart card” (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

As per Claim 15, Montgomery teaches “wherein for a firewall control block is defined for every Java<sup>TM</sup> compliant applet” (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

As per Claim 17, Montgomery teaches “wherein said method further comprises: providing a reference to said first Java<sup>TM</sup> compliant applet with a reference to said second Java<sup>TM</sup> compliant when said determining determines that access should be allowed” (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

As per Claim 18, Montgomery teaches “wherein said providing of a reference comprises: invoking a first method implemented that is implemented as a part of Java<sup>TM</sup> management (or system) environment; and invoking a second method that is implemented as a Applet class, as a result of said invoking of the second method” (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

As per Claim 19, Montgomery teaches “wherein said determining of whether said first Java<sup>TM</sup> compliant applet should be allowed to access said second Java<sup>TM</sup> compliant applet comprises: reading a firewall control value; and reading a firewall control indicator” (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

As per Claim 20, Montgomery teaches “wherein said determining of whether said first Java<sup>TM</sup> compliant applet should be allowed to access said second Java<sup>TM</sup> compliant applet comprises: reading a first PID associated with said first Java<sup>TM</sup> compliant applet; reading a second PID associated with said second Java<sup>TM</sup> compliant applet; determining whether said first PID matches said

second PID; and allowing access only when said determining determines that said first PID matches said second PID” (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

As per Claim 21, Montgomery teaches “wherein said determining of whether said first Java<sup>TM</sup> compliant applet should be allowed to access said second Java<sup>TM</sup> compliant applet comprises: reading a first AID associated with said first Java<sup>TM</sup> compliant applet; reading a second AID associated with said second Java<sup>TM</sup> compliant applet; determining whether said first AID matches said second AID; and allowing access only when said determining determines that said first AID matches said second AID” (Column 3 lines 28 – 42 and Column 5 lines 4 – 52).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. to 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pramila Parthasarathy  
November 12, 2007.

  
KAMBIZ ZAND  
SUPERVISORY PATENT EXAMINER